



TOWN OF JEROME

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MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL
JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS
TUESDAY, JULY 9, 2013 AT 7:00 P.M.

SEVENTH REGULAR MEETING OF 2013

ITEM #1:	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p><i>Mayor Check called the meeting to order at 7:01 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmembers Randall Hunt, Anne Bassett and Bill Phinney.</i></p> <p><i>Other staff in attendance at roll call included Zoning Administrator Carmen Ogden and Deputy Town Clerk Rosemarie Shemaitis. Town Attorney Bill Sims was present telephonically for portions of the meeting.</i></p> <p><i>Before proceeding, Mayor Check asked for a moment of silence for the 19 Prescott Granite Mountain Hotshots who died in the Yarnell fire. She said that she knew some of them personally and all were great members of the community.</i></p>
ITEM #2:	<p>PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to lead the Pledge.</p> <p><i>The Pledge of Allegiance was led by Mayor Nikki Check.</i></p>
ITEM #3: 7:03 pm	<p>STAFF REPORTS</p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Police Chief and Fire Chief.</p> <p>Motion: <i>Vice Mayor Currier made a motion to accept the staff reports. It was seconded by Mayor Check.</i></p> <p><i>Vice Mayor Currier commented that the new Building Inspector, Barry Wolstencroft, had written a good report.</i></p> <p><i>Mayor Check asked Ms. Shemaitis for a name badge with a lanyard.</i></p> <p><i>The Mayor called the question and it was approved by all.</i></p>
ITEM #4: 7:05 pm	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual report for the month of June 2013. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.</p> <p><i>Councilmember Hunt asked for information regarding a payment to Greenscape of Arizona. Ms. Gallagher said that she would have to review the invoice in order to answer his question.</i></p>

	<p>Mr. Hunt then asked questions about several other items, including a mileage reimbursement for Head Librarian Kathleen Jarvis, Northland Investigations, a reimbursement on a utility account, the postage meter and Sensus USA. Ms. Gallagher answered his questions regarding each.</p> <p>Ms. Gallagher confirmed for Councilmember Bassett that rent revenues shown on the budget to actual report include that portion earmarked for the library. Ms. Bassett was pleased that those revenues financed all but about \$1,500 in properties expense over the year.</p> <p>Motion: Vice Mayor Currier made a motion to accept the financial reports. It was seconded by Councilmember Phinney and approved by all.</p>
<p>ITEM #5: 7:10 pm</p>	<p>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p>Councilmember Bassett commented that she is very reluctant to burden staff with organizing Citizen Review Neighborhood meetings. She opined that it is a misuse of town staff time.</p> <p>Vice Mayor Currier asked, regarding the Planning & Zoning work session on June 27, if the edits to the TDR ordinances had been submitted by Commission members to staff as directed. Ms. Ogden replied that the majority of the Commission members did not like the edits of one of the commissioners, so the drafts received by Council at this meeting only include some of the edits and not all of them. Mr. Currier asked if Council would receive those. Ms. Ogden said that Council received in their packets what the Commission had recommended.</p> <p>Mayor Check noted that Council also has access to the ordinance that was drafted but not recommended by P&Z.</p>
<p>ITEM #6: 7:13 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>May 30 budget meeting; June 11 regular meeting</p> <p>Ms. Gallagher provided a corrected last page for the June 11 minutes.</p> <p>Councilmember Bassett complimented Ms. Gallagher and Ms. Shemaitis on the minutes.</p> <p>Councilmember Hunt requested a change in the verbiage on page 4 of the May 30 minutes, regarding the Chamber of Commerce. It had been discussed that the Town could produce it's own map but, he said, it was <u>suggested</u> (not "decided") that it would cost more to do that than to assist the Chamber with theirs.</p> <p>May 30, 2013 minutes</p> <p>Motion: Vice Mayor Currier made a motion to approve the May 30 minutes [with the amendment noted above]. It was seconded by Councilmember Hunt and approved by all.</p> <p>June 11, 2013 minutes</p> <p>Motion: Vice Mayor Currier made a motion to approve the June 11 minutes [with the correction provided by Ms. Gallagher]. It was seconded by Councilmember Bassett and approved by all.</p>
<p>ITEM #7: 7:15 pm</p>	<p>PETITIONS FROM THE PUBLIC</p> <p>Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda but the subject matter must be within the jurisdiction of the Council. All</p>

	<p>comments are subject to reasonable time, place and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the microphone, state your name and please observe the three (3) minute time limit. No petitioners will be recognized without a request. The Council's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.</p> <p><i>There was one petition, from Jack Guth, a Jerome resident. Mr. Guth discussed the restoration of the historic swimming pool on his family's property on Queen Street. He handed out a document showing an aerial view of the site. Mr. Guth said that he is concerned about a fire hazard around his house and gallery and the homes of his neighbors. He and his family had cleared a large section of land adjacent to his property as a firebreak, but since then he has not been able to do more clearing. Mr. Guth said that the swimming pool, which holds 43,000 gallons of water, could provide protection in case of a fire in that area. He asked that the Town support the restoration of the pool in a cooperative effort.</i></p>
ITEM #8	ORDINANCES
7:19 pm	<p>ITEM #8A: FIRST READING: ORDINANCE NO. 403, "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING THE JEROME TOWN CODE BY THE ADDITION OF NEW CHAPTER 17, 'CIVIL UNIONS.'"</p> <p>Council will review and may conduct the first reading of Ordinance 403, which would amend the Jerome Town Code to add new Chapter 17, "Civil Unions." The new ordinance would provide for issuance of Civil Union Certificates by the Town Clerk, and allow partners in a Civil Union to file with the Town Clerk a form designating and documenting certain rights and obligations that have been agreed to by the parties, and to make certain legal designations permitted by applicable law, and to include such other agreements in their specific agreement as they may determine to be appropriate for their particular circumstances. The ordinance would further provide that any party to a Civil Union who is an employee of the Town of Jerome may designate his or her Civil Union partner as a beneficiary of any of the benefits provided by the Town to spouses of employees of the Town, to the extent that the Town is able to do so.</p> <p><i>Ms. Gallagher explained that she had sent this ordinance to Judge Joan Dwyer and Town Prosecutor Andy Jolley for review; Town Attorney Bill Sims had approved it, and Mr. Jolley deferred to Mr. Sims. Ms. Gallagher said that Judge Dwyer was concerned that no ceremony or witnesses are required for a civil union, as notarized affidavits can be faked. Ms. Dwyer also cautioned against creating contracts that could be unenforceable, and was concerned about the recordkeeping burden. Ms. Gallagher said that the recordkeeping would be in the Clerk's office and she is not concerned about that.</i></p> <p><i>Ms. Gallagher said that Mr. Sims noted that the ordinance does include disclaimers regarding enforceability, and he is okay with it as it is. She said that Tucson adopted an ordinance that was much simpler than ours, and Mr. Sims has provided a copy of it. However, Tucson has since adopted a new ordinance that is similar to the one drafted here.</i></p> <p><i>Discussion ensued, during which it was clarified that, in order to obtain a civil union certificate, the couple cannot be presently married pursuant to Arizona law. However, if a couple was married elsewhere and that marriage is not recognized in Arizona, they could register a civil union here. Heterosexual couples as well as homosexual couples would be able to register for civil unions.</i></p>

	<p><i>It was noted that this reading (in title only) does not require a motion, and it was requested that the second reading and adoption take place at the next special meeting (scheduled for July 30). The ordinance would take effect 30 days after adoption.</i></p>
ITEM #9	UNFINISHED BUSINESS
7:24 pm	<p>ITEM #9A: 2011-12 AUDIT</p> <p>Council may vote to approve the audit for the fiscal year ended June 30, 2012, the results of which were presented by Jim Usevitch of Colby & Powell, PLC at a special Council meeting held on June 18, 2013.</p> <p><i>Vice Mayor Currier commented that the audit is in order, however he had a question regarding the June 21 letter from Colby & Powell which refers, on the second page, to a list of corrected entries. It was not clear what list that referred to, and it did not appear to refer to a list of journal entries that was provided. Ms. Gallagher will ask the auditor about that next time she speaks with him.</i></p> <p><i>Mayor Check commented that Jerome did very well on the audit.</i></p> <p>Motion: Vice Mayor Currier made a motion to accept the audit. It was seconded by Councilmember Bassett and approved by all.</p> <p><i>Councilmember Phinney congratulated staff for a job well done on this year's audit. Councilmember Bassett agreed. Ms. Gallagher said that she would convey this to Finance Director Rebecca Cretti.</i></p>
7:26 pm	<p>ITEM #9B: 2013-14 BUDGET</p> <p>Council will review and may approve a tentative budget for the Town of Jerome for the fiscal year ending June 30, 2014. If approved, the public hearing and final adoption of the budget would take place at a special meeting scheduled for July 30, 2013.</p> <p><i>Ms. Gallagher explained that, once the tentative budget is adopted, Council cannot increase expenditures but can reduce them.</i></p> <p><i>Councilmember Bassett wanted it noted that Freeport-McMoRan had only <u>partially</u> funded the new sidewalk from the 300 level parking lot to town -- the Town will be doing much of the work.</i></p> <p><i>Ms. Bassett asked Ms. Gallagher to confirm that the amount included in the budget for the purchase of a dump truck is for a <u>used</u> dump truck. Ms. Gallagher confirmed that we intend to purchase a used vehicle if possible.</i></p> <p><i>Ms. Gallagher explained that, if the tentative budget is approved, it will be published as required, and a copy will be available for review at Town Hall and the Library. She plans to post it on the Town's Facebook page as well. The public can still make recommendations and the budget can be adjusted until it is formally adopted on July 30, 2013.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve the tentative budget for the Town of Jerome for the fiscal year ending June 30, 2014. It was seconded by Councilmember Phinney and approved by all.</p> <p><i>Councilmember Bassett complimented all for a good job. Mayor Check agreed.</i></p>
ITEM #10	NEW BUSINESS
7:30 pm	<p>ITEM #10A: PROFESSIONAL ENGINEERING SERVICES</p> <p>Council will review and may approve a request by Shephard-Wesnitzer, Inc. to amend the terms of the Town's agreement with that firm by appointing Richard Aldridge as Town</p>

	<p>Engineer, Joe Link as Project Manager and John Wesnitzer as Project Principal. Council may conduct any portion of this discussion in executive session, pursuant to A.R.S. §38-431.03.A.4.</p> <p>Mayor Check explained that Town Engineer Jim Binick has left Shephard-Wesnitzer and they will be presenting Richard Aldridge to Council as a possible replacement.</p> <p>Mr. Wesnitzer introduced himself, Mr. Aldridge and Joe Link of his firm, and explained how each would be working with the Town. John Wesnitzer would serve as Project Principal, Richard Aldridge as Town Engineer and Joe Link as Project Manager (to work on specific projects). He requested that Council approve a change in the contract to designate Mr. Aldridge as Town Engineer.</p> <p>Mr. Aldridge and Mr. Link each spoke about their qualifications. Mr. Aldridge added that he is apolitical and does not get involved in the politics of the community.</p> <p>Councilmember Bassett commented that no female engineers have been presented. Mr. Wesnitzer said that that is because no women are currently working for them, although there have been women with the firm in the past.</p> <p>Mr. Currier recommended that Mr. Aldridge walk the Town's water system, and noted that the Town still has cobblestone streets.</p> <p>Councilmember Bassett asked if Ms. Gallagher had any recommendations. Ms. Gallagher responded that she thought it would be prudent to accept the changes that Mr. Wesnitzer is recommending, and noted that the firm's contract will expire in 2014.</p> <p>Motion: Vice Mayor Currier made a motion to approve the recommendation from John Wesnitzer. It was seconded by Councilmember Phinney.</p> <p>Councilmember Hunt asked Ms. Gallagher if this needed to be discussed in closed session and she responded, "Not at this time."</p> <p>Mayor Check called the question and it was approved by all.</p>
7:45 pm	<p>ITEM #10B: APPROVAL OF SERIES 13 (DOMESTIC FARM WINERY) LIQUOR LICENSE – PASSION CELLARS</p> <p>Council will review the application of Passion Cellars (formerly Echo Canyon Winery) for a Series 13 Domestic Farm Winery liquor license at 419 Hull Avenue, and may vote to recommend to the AZ Department of Liquor Licenses and Control that the application be approved or disapproved.</p> <p>Jason Delmonico explained that the license is changing because Passion Cellars recently purchased the Echo Canyon tasting room, barrels of wine, a future contract with the grapes and the winery in Wilcox.</p> <p>Mayor Check asked if they were applying for this license <u>now</u> because they now had a vineyard. Mr. Delmonico said that was partially true, but also, previously they were just managing the business and now they own it.</p> <p>Councilmember Hunt, who works for Mr. Delmonico, recused himself from voting but refused to leave as suggested by Vice Mayor Currier. Mr. Currier requested that Town Attorney Sims be called for an opinion on this.</p> <p>Ms. Gallagher called Mr. Sims, who was placed on speakerphone, and explained that there is an item on the agenda for approval of a liquor license. She said that Councilmember Hunt has recused himself but does not wish to leave the dais. Some of the other Councilmembers feel that he needs to do that, and have requested a legal opinion.</p>

Mr. Sims said that some jurisdictions require Councilmembers who have recused themselves to leave the dais because body language and facial expression could influence the discussion. Others do not, but Council could make it a policy if they choose to.

Mr. Sims went on to say that State statute does not require a recused member to leave the dais, but if there is a conflict of interest, it does need to be recorded in a file of the town. He said that if a member of the public body recuses themselves, they cannot participate in any of the deliberations, so Council will need to determine if they think that body language could be considered deliberation. Some jurisdictions say 'yes' and others say 'no.'

Mr. Currier pointed out that a document called Riggins Rules has been handed out and it says that a member should leave the room if they have recused themselves. If we are distributing this document, he said, then he believes that we are saying that it is our policy.

Councilmember Phinney opined that he did not think it was necessary for Mr. Hunt to leave because he is not a principal in the winery - he is just an employee and has no say in this. Mr. Phinney added that this is a liquor license and it doesn't really matter which way Council votes, except as a way to give input to the State - the State is the body that approves the licenses. Mayor Check disagreed and said that Council's vote can impact the State's decision. Mr. Phinney clarified that he is just trying to say that Council is not voting on an ordinance or anything of that nature. He acknowledged, however, that this could be creating a precedent.

Councilmember Bassett said that it has always been the practice here for a Councilmember who has recused himself or herself to leave the room. Ms. Bassett said that she would like Council to address making a policy in this regard.

Mayor Check then asked Councilmember Hunt if he would mind leaving Council chambers. Councilmember Hunt said that he would mind very much.

Motion: Vice Mayor Currier made a motion to **table this item until a policy is set**. It was seconded by Councilmember Bassett.

Councilmember Hunt then said that he would leave the room if this will interfere with moving forward, but he would like to make a statement. Vice Mayor Currier said that he is not allowed to make a statement. Mayor Check agreed.

Councilmember Hunt said that he would not influence the vote.

Mayor Check called the question and the **motion did not pass**. The vote was 2 ayes and 2 nays by Mayor Check and Councilmember Phinney.

Councilmember Hunt did not vote. Because it was a tie, the Mayor declared that the motion to table has died.

Mayor Check clarified that Mr. Delmonico's request is still open for discussion to all except Councilmember Hunt.

Ms. Gallagher commented that Council's distribution of Riggins Rules seems to suggest a policy but Council has not formally adopted it or a policy. She said that, as Mr. Phinney pointed out, Councilmember Hunt's presence at the dais is not critical in this instance. Ms. Gallagher suggested that Council continue with this agenda item and she will have a policy prepared for adoption at the next meeting.

Motion: Vice Mayor Currier made a motion to **approve the Series 13 liquor license for Passion Cellars**. It was seconded by Mayor Check.

Councilmember Bassett asked if they were adding more liquor licenses to the

	<p>location. Mr. Delmonico said that they are not. There is already a Series 13 liquor license there – they are just changing the ownership. They purchased the name.</p> <p>Mayor Check called the question and the motion passed. The vote was 3 ayes and 1 nay by Councilmember Bassett. Councilmember Hunt did not vote.</p>
7:55 pm	<p>ITEM #10C: APPROVAL OF SERIES 12 (RESTAURANT) LIQUOR LICENSE – VAQUEROS GRILL & CANTINA</p> <p>Council will review the application of Vaqueros Grill & Cantina for a Series 12 Restaurant liquor license at 363 Main Street, and may vote to recommend to the AZ Department of Liquor Licenses and Control that the application be approved or disapproved.</p> <p><i>Scott Simmons, accompanied by his wife, Charina Dimaano, explained that they are applying for the same type of license that Quince had at the same location. They currently have an interim license.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve the application for a Series 12 liquor license for Vaqueros Grill & Cantina. It was seconded by Mayor Check and approved by all.</p>
7:58 pm	<p>ITEM #10D: REQUEST BY JEROME CIVIC CENTER LESSEE TO SERVE ALCOHOL</p> <p>Council will review and may approve a request by Prospect.rs, a lessee at the Jerome Civic Center, to serve alcohol in limited quantities for consumption onsite by members and event attendees.</p> <p><i>Sharon Bowerman, a Jerome resident and co-owner of Prospect.rs, explained that she and her husband, Byron, have opened a co-working facility in the Jerome Civic Center. They moved here from the valley, where there are lots of similar facilities. Ms. Bowerman said that they have special event nights, which include games as well as projects. It is a way for members and attendees to unwind and socialize. She said that they had had beer and wine available because they did not know the rules – it does not say anywhere on the lease that it is not allowed. They have written a letter about this to Ms. Gallagher¹.</i></p> <p><i>Mayor Check said that she has a lot of thoughts on this issue but wanted to hear first from the Town Manager/Clerk.</i></p> <p><i>Ms. Gallagher said that the Bowermans came to her about this but she was not comfortable giving permission to provide alcohol here at Town Hall, and felt that it should be decided by Council, as Council had already approved a policy for use of Town Hall that includes a statement that no liquor is permitted in Town Hall facilities. However, Ms. Gallagher added, this is not a one-night rental, and the tenants appear to be relying on being able to serve alcohol. This is a policy call for Council.</i></p> <p><i>Mayor Check said that she didn't see a conflict here, since the Jerome Artist's Co-op, which is town property, has liquor at their monthly events. However, she said that she is uncomfortable about the concept of members paying for alcohol. Ms. Bowerman clarified that they don't pay for it – it is free for members and at events. It is provided by Prospect.rs.</i></p> <p><i>Ms. Shemaitis commented that, in this situation, the liquor is part of the membership and is available every day, all the time, for the members, as opposed to events at the Co-op, which take place once a month.</i></p> <p><i>Ms. Bowerman said that they are not encouraging day-drinking – it's more for those that stay late working on after-hours projects and want to unwind.</i></p>

¹ Their letter was included in the Council meeting packet and is included at the end of these minutes.

The Mayor said that she would not want it advertised that free alcohol is part of the membership because that then is walking the boundary of a private club. She said that we clearly need to address our policy because there are inconsistencies in it.

Ms. Gallagher noted that Prospect.rs already has a statement on their Facebook page stating that activities there are "freely lubricated by coffee and booze."

Vice Mayor Currier asked if this would require a liquor license. Ms. Gallagher said that it would not because they are not selling the alcohol. Ms. Bowerman confirmed that it is not sold by the drink.

Mr. Currier stated that he doesn't understand why they would have booze in an office. Ms. Bowerman responded that it is more than an office – they are trying to build a community of small business owners where they can socialize, collaborate and meet new people.

Councilmember Phinney said that some offices have allowed after hours drinking to unwind. Ms. Bowerman agreed and said that it would not necessarily be during the day but after work hours. She said that they had discussed liquor use but apparently their intentions were not clear.

Ms. Gallagher said that the Bowermans do have in their lease a provision for indemnification for the Town and they have provided a Certificate of Insurance naming the Town as additional insured.

Byron Bowerman said that the refrigerator is not restricted to members – it is open to the public after hours and they provide all sorts of snacks and drinks – it is a casual thing, but they will be checking ID's. Mr. Bowerman said that they do not plan serving anything stronger than beer and wine. He added that none of the other offices that provide beer and wine for their members, guests or employees are required to get a state liquor license.

Mr. Bowerman expressed his concern that this is an unwritten rule – the only reason they knew about it is that a Town employee attended one of their events and let them know about it. He said that, regardless of what Council decides, it should be made clearer.

Ms. Shemaitis commented that this is something new to think about – it had not been an issue before.

Councilmember Bassett suggested that they set hours and restrict the time liquor is available. Mayor Check said that she would be okay with 5:00 to 7:00 p.m. but is not comfortable with "after hours."

Vice Mayor Currier said that he would like legal advice.

Mayor Check noted that the Artists' Co-op only allows alcoholic beverages at special events – it's not a place to get a quick drink if you are a member. Mr. Currier commented that at the Co-op it is just a once-a-month opening – this would be 24/7. The Mayor agreed.

Councilmember Phinney recommended that Council review the lease document and that the Bowermans meet with Ms. Gallagher to discuss how they could make this work based on the Town's requirements and taking into consideration the concerns of Council and the Town Attorney.

Motion: Councilmember Phinney moved to **table this until Council has enough information to make a decision.** It was seconded by Mayor Check and **approved by all.**

Vice Mayor Currier noted that a liquor prohibition is in place until this is decided.

8:10 pm	<p>ITEM #10E: APPOINTMENT TO DESIGN REVIEW BOARD</p> <p>Council will review applications received for a vacancy on the Design Review Board resulting from the resignation of Bob Wood, and may make an appointment to fill that vacancy for the remainder of the unexpired term ending February 28, 2014. At the time of agenda preparation, one application had been received, from Byron Bowerman.</p> <p><i>Vice Mayor Currier said that he had spoken to the chair of the Design Review Board. Since there is only one applicant, they would like to wait another month to see if there are any other applicants.</i></p> <p><i>Councilmember Phinney asked if there are any regulations regarding this. Ms. Ogden replied that there are not. She said that she has advertised this vacancy for three weeks.</i></p> <p><i>Mr. Currier asked Mr. Bowerman what would make him a good fit for this position. Mr. Bowerman replied that he is currently a software developer and he has a background in reviewing design documents and plans and overseeing projects, and creating and following rules. He said that this position would be a good way to get to know the town better, including its buildings, history and residents. He and his wife are originally from the Chandler area.</i></p> <p><i>Mr. Currier asked Mr. Bowerman if he had any experience in city planning. Mr. Bowerman replied that he did not – yet.</i></p> <p>Motion: Vice Mayor Currier made a motion to table this item until the next regular meeting. It was seconded by Councilmember Hunt.</p> <p><i>Councilmember Bassett opined that she would like Mr. Bowerman to have a local phone number – it gives her a wrong impression to have to dial long distance. It was noted that some staff and Councilmembers have long distance numbers.</i></p> <p><i>Councilmember Phinney asked Ms. Ogden if it would be a problem for the Design Review Board to be a member short for another month. Ms. Ogden said that it would not.</i></p> <p><i>Mayor Check called the question and it was approved by all.</i></p>
8:15 pm	<p>ITEM #10F: STAFF PARTICIPATION IN VERDE VALLEY PINK HEALS EVENT</p> <p>Council may determine to what extent Town staff may participate in this year's upcoming Verde Valley Pink Heals event on August 10, at Windmill Park in Cornville.</p> <p><i>Ms. Shemaitis explained that she is helping to plan a fundraising event again for 2013 and wanted to know how much of the planning she could do on town time. Last year Council allowed her to have 20 hours.</i></p> <p>Motion: Councilmember Bassett made a motion to approve 20 hours for Ms. Shemaitis to use for planning this year's Pink Heal event. It was seconded by Councilmember Phinney.</p> <p><i>Vice Mayor Currier asked how much that would cost the town. Ms. Gallagher said that it would be under \$400.</i></p> <p><i>Mayor Check called the question and it was approved by all.</i></p>
8:18 pm	<p>ITEM #10G: DESIGN REVIEW BOARD BYLAWS</p> <p>Council will review and may approve bylaws adopted by the Design Review Board in accordance with Section 106 of the Jerome Zoning Ordinance.</p> <p><i>Mayor Check said that she is happy to see policy in development on all fronts and in</i></p>

all stages. It was noted that Planning & Zoning bylaws are also in progress, but were not ready for this agenda.

Vice Mayor Currier said that the document should be made gender neutral. Ms. Ogden said that she already had that discussion with Councilmember Bassett and will make those corrections.

Mr. Currier said that it appears that there are four different kinds of meetings – a regular meeting, a public hearing, a special meeting and a study session. He asked if, for all of them, three members constitute a quorum. Ms. Ogden said that was correct.

Mr. Currier asked if the public is allowed to be heard at each type of meeting. Ms. Ogden replied that the public has the right to be heard at public hearings, and, at regular meetings, public comment is allowed at the discretion of the chair. She said that study sessions are generally without public comment unless the chair decides otherwise. Ms. Ogden then recommended a change in the verbiage of item 2 under "Meetings" to refer to public comment at "regular meetings" rather than only at "public hearings." She added that the provisions for public hearing testimony are on page 4.

Vice Mayor Currier said the language is difficult to understand and an effort should be made to clarify it. Councilmember Phinney agreed, and said that he sees some problems that may result in limiting the ability of the public to participate. He doesn't want the chair to be able to allow different amounts of time for different speakers.

There was discussion as to how much time should be allowed for the public to comment. Mr. Phinney opined that three minutes was a fair enough time to speak.

Mayor Check asked if only the regular meeting agendas allow for Petitions from the Public. In some places, she said, Petitions from the Public is the only opportunity for public input. Mayor Check added that people could potentially speak longer at other times in the meeting than during Petitions from the Public, at the discretion of the chair.

Ms. Ogden confirmed for Vice Mayor Currier that the Planning & Zoning Commission and the Design Review Board each have a Petitions from the Public item included on their agendas.

Ms. Gallagher commented that, in New Jersey, there was a three-minute time limit for speakers during the public comment portion of the meeting; however, the chair or any member of the public body could extend that time for any speaker. She added that there was no time limit for comments made at public hearings.

Councilmember Bassett said that the rationale for this might be that people sometimes repeat the same things over and over.

Mayor Check asked if Mr. Phinney meant that he wanted a set three-minute time limit unless extended by the chair. Mr. Phinney confirmed that and added that he did not want to allow any chair to be able to control the conversation from the public, but the phrase "at the chair's discretion" implies that the chair has total control of the conversation. All should be treated equally, he said, and noted that same verbiage is included for study sessions where it is either barred or allowed – at the discretion of the chair – and he disagrees with that.

Ms. Ogden pointed out that study sessions do not allow public comment. Mr. Phinney said that was fine – it should either be no public comment or equal public comment.

Mayor Check said that Council is not a democracy – the members are elected and it is representative. She said that, sometimes, public comment isn't efficient, or does not add to the conversation.

	<p>There was discussion back and forth between Mayor Check, who opined that the chair should be allowed the discretion to limit or extend comment, and Councilmember Phinney, who said that if one person is allowed to speak, then all should have the same privilege and amount of time.</p> <p>Deni Phinney, a Jerome resident, pointed out that work sessions might require input from experts that have pertinent information. She said that broad public comment may not be productive and asked Councilmember Phinney to rethink his position.</p> <p>Vice Mayor Currier recommended that the verbiage on page six regarding recording of meetings be edited to indicate that the meetings should be recorded as minutes, rather than simply in written form, because otherwise that could indicate transcripts. He also suggested that a paper copy or an electronic copy should go to the Town Manager/Clerk and the original should stay with the Zoning Administrator.</p> <p>Councilmember Phinney suggested that the section regarding recusals should be adopted by Council as well.</p> <p>Mr. Phinney stated again that everyone should have equal right to comment. There was some discussion in this regard after which it was generally agreed to add language regarding Petitions from the Public, and that speakers would be limited to three minutes each unless that time was extended by the chair.</p> <p>Ms. Phinney asked if, in the public part of the meeting, the chair is observed to be shutting down a member of the public prematurely, the remainder of the board should challenge the chair. Vice Mayor Currier said that they go by <u>Robert's Rules</u> in that matter, and the chair has the gavel. There is <u>no</u> challenging the chair, he said.</p> <p>Councilmember Bassett noted that Council can remove board members for cause.</p> <p>It was agreed that Ms. Ogden would make the suggested changes and this would be brought back before Council.</p>
8:36 pm	<p>Motion: Councilmember Bassett made a motion to call a break. It was seconded by Councilmember Phinney and approved by all.</p>
8:43 pm	<p>Council reconvened.</p>
	<p>ITEM #10H: SECOND LEGAL OPINION RE: TRANSIENT DWELLING RENTALS (TDRs)</p> <p>Council will discuss the possibility of inviting Grady Gammage to meet with Council, P&Z and members of the public to discuss vacation rentals and to provide a second legal opinion in that regard, and may direct staff regarding same.</p> <p>Mayor Check said that, at a previous meeting, it was suggested that we get a second opinion on this item.</p> <p>Ms. Gallagher said that, as requested, she contacted Grady Gammage, who is considered the number one land use attorney in the state. He could possibly attend a meeting on July 24. The cost will be approximately \$2,500, which is heavily discounted.</p> <p>Mayor Check asked Council if they feel that a second opinion might help to expedite this matter. Discussion ensued.</p> <p>Councilmember Hunt asked why Mr. Gammage was selected. Jane Moore, a Jerome resident, said that he has helped with town issues before and is the top land use attorney in the state, and he has a lot of experience. She said that she had also contacted other attorneys for opinions.</p> <p>Councilmember Bassett said that she is wary of his opinion because, previously, Mr. Gammage had opined that some historic structures in town are not worth saving – that we would have to pick structures to save. She is on the fence regarding Mr.</p>

	<p>Gammage's opinion.</p> <p>Vice Mayor Currier said that there are two sides to this issue. Mr. Gammage was recommended by opponents of TDR's but Town Attorney Bill Sims also trusts his opinion, so that makes him believe that Mr. Gammage would be a reasonable judge of the situation. Mr. Gammage is expensive but he could save us money in the long run, Mr. Currier said, and he expressed support for bringing him in. He suggested having both an open session with the public and an executive session. Mayor Check and Councilmember Bassett agreed.</p> <p>Councilmember Hunt said that he would like to hear more about it and he would hope that Planning and Zoning members and other board members would be here.</p> <p>Councilmember Phinney looked up Mr. Gammage's bio and read it aloud to Council and the public. He said that Mr. Gammage seems well-rounded and has addressed all sorts of issues. Mr. Phinney opined that it could be worth \$2,500 to bring him in.</p> <p>Motion: Vice Mayor Currier made a motion to direct staff to arrange to have Grady Gammage onboard for this project. It was seconded by Councilmember Bassett and approved by all.</p>
8:55 pm	<p>ITEM #10 I: TRANSIENT DWELLING RENTALS – REFERRAL BACK TO COUNCIL FROM PLANNING AND ZONING COMMISSION</p> <p>Council will review ordinances drafted by the Planning and Zoning Commission regarding Transient Dwelling Rentals. NO ACTION will be taken at this meeting. (NOTE: At the time of agenda preparation, this referral was anticipated to take place at the P&Z meeting to be held on Wednesday evening, July 3. In the event that no referral is made, this discussion may be tabled.)</p> <p>Motion: Mayor Check made a motion to table this item until we have received a second legal opinion from Grady Gammage. It was seconded by Vice Mayor Currier and approved by all.</p>
ITEM #11 8:57 pm	<p>TO AND FROM THE COUNCIL</p> <p>Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p>Vice Mayor Currier said that he would like a policy regarding conflicts of interest.</p> <p>Councilmember Hunt asked when we will be discussing water meter readings, as has been requested by Councilmember Bassett. Ms. Bassett said that we could rework the rates so that the residents do not continue to fund the businesses. She said that she will contribute an article for the newsletter regarding this. Mayor Check said that this will be a big discussion, and she will put it on an agenda when there is a space or a pause to start that discussion.</p> <p>It was noted that Grady Gammage would be tentatively scheduled to attend a meeting on Wednesday, July 24, at 7:00 p.m., at the Jerome Civic Center.</p>
ITEM #12	<p>ADVICE OF COUNSEL: JEROME GRAND HOTEL LITIGATION</p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.3, for the purpose of consultation with the Town Attorney regarding the Jerome Grand Hotel litigation.</p> <p>Motion: Vice Mayor Currier made a motion to go into executive session. It was seconded by Councilmember Bassett and approved by all.</p> <p>Council went into executive session at 8:59 p.m.</p>

ITEM #13	REVIEW OF CLOSED SESSION MINUTES The Mayor and Council may go into Executive Session pursuant to A.R.S. §38-431.01 (A)(2) for the purpose of discussion or consideration of records exempt by law from public inspection.
9:23 pm	Council reconvened in open session
ITEM #14	APPROVAL OF CLOSED SESSION MINUTES June 11, 2013 <i>Motion: Councilmember Hunt made a motion to approve the closed session minutes of June 11, 2013. It was seconded by Councilmember Bassett and approved by all.</i>
ITEM #15	ADJOURNMENT <i>Upon motion by Councilmember Bassett seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 9:24 p.m.</i>

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Rosemarie Shemaitis.

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____